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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,414	01/12/2002	Mortensen Mikael	42390P12312	9962

7590

11/16/2005

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EXAMINER
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ALI, SYED J

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/045,414

Applicant(s)

MIKAEL ET AL.

Examiner

Syed J. Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,24-29 and 33-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,24-29 and 33-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date Oct. 7, 2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 17, 2005 has been entered. Claims 1-3, 24-29, and 33-39 are presented for examination.

2. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-3, 24-29, and 33-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Schiffleger (USPN 5,367,690).**

5. As per claim 1, Schiffleger teaches a method comprising:

requesting access to a resource for a first process (col. 2 lines 55-58; col. 5 lines 43-46; col. 6 line 67 - col. 7 line 6), the first process having a corresponding first semaphore (col. 4 lines 6-7; col. 5 lines 28-35; Fig. 3 element 18);

determining whether the resource is being accessed by a second process (col. 6 lines 25-31), the second process having a corresponding second semaphore (col. 4 lines 6-7; col. 5 lines 28-35; Fig. 3 element 18); and

denying the first process access to the resource if the resource is being accessed by the second process as indicated by a lock on the resource (col. 6 lines 31-34), wherein the lock is indicated at the second semaphore (col. 6 lines 34-37).

6. As per claim 2, Schiffleger teaches the method of claim 1, further comprising the first process having a corresponding first local priority and the second process having a corresponding second local priority (col. 2 lines 55-65; col. 6 line 67 - col. 7 line 22).

7. As per claim 3, Schiffleger teaches the method of claim 1, further granting the first process access to the resource if the resource is not being accessed by the second process as indicated at the second semaphore (col. 7 lines 2-16).

8. As per claim 33, Schiffleger teaches the invention as claimed, including the method of claim 2, further comprising:

determining if access to the resource is simultaneously being requested by the second process (col. 7 lines 2-6); and

granting access to the resource to one of the first process and the second process having a higher local priority of the first local priority and the second local priority (col. 7 lines 6-22).

9. As per claims 24-26 and 34, Schiffleger teaches the invention as claimed, including a machine-readable medium, the machine-readable medium selected from the group consisting of a floppy diskette, an optical disk, a Compact Disc-Read Only Memory, a magneto-optical disk, a Read Only Memory, a Random Access Memory, an Erasable Programmable Read Only Memory, an Electromagnetic Read Only Memory, a magnetic card, an optical card, and a flash memory, the machine-readable medium having stored thereon data representing sets of instructions which, when executed by a machine, cause the machine to perform the method of claims 1-3 and 33, respectively (col. 1 lines 12-15, wherein the claimed machine-readable media are well known to be part of computer systems, i.e. "a multiprocessor system").

10. As per claims 27-29 and 35, Schiffleger teaches the invention as claimed, including an apparatus comprising:

a central processing unit having a processor to execute a plurality of processes including a first process and a second process (col. 3 lines 23-35); and

the processor is further to perform the method of claims 1-3 and 33, respectively.

11. As per claims 36-38 and 39, Schiffleger teaches the invention as claimed, including a system comprising:

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a memory having a plurality of resources being accessed by a plurality of processes (col. 3 lines 23-35), and a plurality of semaphores associated with the plurality of processes (col. 4 lines 6-7; col. 5 lines 28-35; Fig. 3 element 18); and

a processor coupled with the memory, wherein the processor is capable of executing the plurality of processes (col. 3 lines 23-35), the processor is further to perform the method of claims 1-3 and 33, respectively.

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 1-3, 24-29, and 33-39 have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J. Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T. An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Syed Ali  
November 2, 2005

  
MICHAEL T. AN  
REGISTERED PATENT ATTORNEY